



Entered on Docket  
September 19, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Twelfth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Fox Hills 216, LLC Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Twelfth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fox Hills 216, LLC, Loan," ("Fox Hills Loan") [DE 8623] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Fox Hills Loan; and good  
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8623] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Fox Hills Loan.

7  
8 **PREPARED AND RESPECTFULLY SUBMITTED BY:**

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Fox Hills 216, LLC  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Foxhill 216, LLC Loan</b>
10725-01043	11/6/2006	Ulm IRA, Robert W	Pensco Trust Co Inc FBO 414 Morning Glory Rd St Marys, GA 31558	Contingent/ Unliquidated	50,000.00
10725-01885	1/8/2007	Violet, Melody J	Po Box 2201 Vista, CA 92085	Unknown	Unknown
10725-02314	1/13/2007	Wahl Jt Ten Wros, David C & Margaret A	Po Box 8012 Mammoth Lakes, CA 93546	402,299.84	50,000.00
10725-01694	12/11/2006	Wahl, David	Po Box 8012 Mammoth Lakes, CA 93546	289,414.18	50,000.00
10725-02402	1/17/2007	Weible 1981 Trust Dtd 6/30/81	Ardis & Dean F Weible Co Ttees 6314 Tara Ave Las Vegas, NV 89146	315,193.10	50,000.00
10725-02367	1/16/2007	Whitman Trust Dtd 12/01/04	C/O H Daniel Whitman Ttee Po Box 10200 Zephyr Cove, NV 89448-2200	406,413.64	50,000.00

**EXHIBIT A**

2415824.1